

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Sam Frederick,)	Civil Action No. 9:15-2699-MGL
)	
	Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
United States of America,)	
	Defendant.)	
)	
_____)	
)	

Plaintiff Sam Frederick, (“Plaintiff”), a federal inmate proceeding *pro se*, filed the instant action pursuant to the Federal Tort Claims Act (FTCA), 28 U.S.C. § 2671, *et seq.* (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Bristow Marchant for pre-trial handling.

On March 14, 2016, the Magistrate Judge issued a Report and Recommendation, (“the Report”), (ECF No. 33), recommending that this Court grant Defendant’s Motion to Dismiss, or in the alternative, for Summary Judgment. (ECF No. 23). Plaintiff filed a timely Objection to the Report, (ECF No. 36), and the matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record

in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In light of the standards set forth above, the Court has reviewed, *de novo*, the entire record, including, in particular, the Report and Plaintiff’s Objection. The Court has undertaken this *de novo* review, even though Plaintiff’s filing does not advance any specific, cogent legal objections to the Report, or otherwise meaningfully counter any of the reasoned conclusions of the Magistrate Judge.

For the forgoing reasons, the Court concurs with the reasoning of the Magistrate Judge and adopts the Report and incorporates it herein by reference, (ECF No. 33), overruling Plaintiff’s Objection. Defendant’s Motion for Summary Judgment, (ECF No. 23), is thereby **GRANTED** and this action is **DISMISSED**.

IT IS SO ORDERED.

s/Mary G. Lewis
United States District Judge

April 4, 2016
Columbia, South Carolina